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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,682	03/03/2004	Martin LeVan		2286

7590 06/27/2006
James C. Wray
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EXAMINER

LABBEES, EDNY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,682

Applicant(s)

LEVAN ET AL.

Examiner

Edny Labbees

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>5/16/2006</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. In the response filed 5/9/2006, claims 1-18 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 10-16 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US 6,046,686).

Regarding Claim 1, Mitchell discloses *Violation Alert Speed Display* that has the following claimed limitations:

Claimed casing is met by the frame (unlabeled) (see Fig. 1); claimed speed indicator support mounted on the casing is met by the front panel (unlabeled) mounted on the frame (unlabeled) (See Fig. 1); claimed numerical speed indicators is met by numerical speed indicators display (130) (See Fig. 1); claimed power supply is met by a battery (unlabeled) (See Col. 2 Ins 47-50); claimed display differentiator is met by the display driver (160) (see Col. 2 Ins 38-44). Mitchell discloses a system where the display driver (160) outputs two colors indicating overspeed and compliant speed respectively. Mitchell however does not disclose that the color that is being outputted

from the display driver (160) is green and red. Rather, Mitchell discloses that the colors are amber and red. As long as the amber and red indicators disclosed by Mitchell performs its desired functionality, one ordinary skilled artisan would readily recognize that using the amber color disclosed by Mitchell or using the claimed color green in claims 1 would not constitute an inventive concept but an obvious design choice.

Regarding Claim 2, claimed set compliance speed control and speed sensor is met by the software disclosed in Mitchell's invention that controls the display settings (see Col. 2 lns 14-16 and Fig. 4). Mitchell does not specifically disclose the system comprising a controller. Official Notice is taken that both the concept and the advantages of providing a controller in electronic systems are well known and expected in the art. It would have been obvious to include a controller in the system of Mitchell, as the controllers are critical and necessary components for the system to function.

Regarding Claim 3, claimed apparatus wherein the indicator changes flashing red corresponding to the vehicle above the compliant speed is met by the apparatus of Mitchell where the indicator flashes red when the vehicle speed is greater than the preset violation speed (See Col. 2 lns 39-50 and Col. 3 lns 10-13). Mitchell discloses a system where the indicators displays a constant amber to indicate that the vehicle is at or below the preset vehicle speed but does not the color being green (see Col. 2 lns 64-67 and Col. 3 lns 1-2). However, as long as the amber and red indicators disclosed by Mitchell performs its desired functionality, one ordinary skilled artisan would readily recognize that using the amber color disclosed by Mitchell or using the claimed color

green in claims 1 would not constitute an inventive concept but an obvious design choice.

Regarding Claim 4, Mitchell discloses all of the claimed limitations. Claimed indicator comprising segmental digital display is met by the indicator comprising seven segment LEDs (132 and 134) (See Col. 2 lns 39-50 and Fig. 1).

Regarding Claim 5, see above rejection to claim 3-4. Claimed segment including, light-emitting diodes for producing red or green wavelengths is met by the seven segment LEDs that produces a red wavelength (see Col. 2 lns 39-50).

Regarding Claim 6, Mitchell discloses all of the claimed limitations. Mitchell shows rows and columns of segments constituting an array, (see Fig. 3).

Regarding Claim 7, claimed segment having bright and color light emitters for illuminating the segments is met by the apparatus of Mitchell having two sets of (LEDs) capable of displaying at least two colors (See Col. 2 lns 43-46).

Regarding Claim 10, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 11, the claim is interpreted and rejected as claim 2 stated above.

Regarding Claim 12, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 13, the claim is interpreted and rejected as claim 4 stated above.

Regarding Claim 14, the claim is interpreted and rejected as claim 5 stated above.

Regarding Claim 15, the claim is interpreted and rejected as claim 6 stated above.

Regarding Claim 16, the claim is interpreted and rejected as claim 7 stated above.

4. Claim 8 and 17 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. (US 6,046,686) in view of Durinzi Jr. et al. (US 6,427,369).

Regarding Claim 8, see above rejection in reference to claim 4. Mitchell does not disclose the apparatus has lights for illuminating the supporting with color. However Durinzi teaches *Advertising Kiosk* that includes an illuminating support that encloses diffuser sheets, which can be colored or uncolored, see Col. 5 ln 25 and Col. 7 Ins 44-47. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teachings of Durinzi into the system of Mitchell to illuminate the support with color.

Regarding Claim 17, the claim is interpreted and rejected as claim 8 stated above.

5. Claims 9 and 18 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell and Hoffman (US 4,173,010) further in view of Martell et al. (US 5,317,311).

Regarding Claim 9, Mitchell does not specifically disclose a system having a memory to store various information such as, time, number of vehicles speeds sensed, number of vehicle over the speed limit and the average vehicle speed. However it is known in the art to have statistics because it is very useful in making selective enforcement traffic surveys. Hoffman discloses *Traffic Sign And Improved System For Recording Vehicle Speed* that teaches a system mounted along the side of the road comprising logic circuits (60). The logic circuits (60) include violation counter (62) and a traffic counter (64). The violation counter (62) counts the total number of vehicles exceeding any predetermined speed limit in one direction. The traffic counter (64) counts the total traffic in one direction. In addition, Hoffman teaches an upper sign panel (44) provided with a clock (46) mounted on the system to indicate the time (See Fig. 1, Fig. 2 and Fig. 3, Col. 3 Ins 34-36, Ins 49-67 and Col. 5 Ins 1-15). Mitchell and Hoffman do not disclose a system that has the average vehicle speed. Martell discloses *Traffic Congestion Monitoring System* that teaches a system where the average speeds of the vehicles are measured (see Col. 3 Ins 63-68, Col. 4 Ins 1-5 and Col. 7 Ins 28-31). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Martell and Hoffman into the system of Mitchell to promote orderly movement of traffic at an expeditious and safe rate of speed.

Regarding Claim 18, the claim is rejected and interpreted as claim 9 stated above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davis et al. *Traffic Monitoring System*, (US 5,935,190)

Dekock et al. *System For Providing Traffic Information*, (US 6,574,548)

Haeri, *Speed Minder*, (US 5,659,290)

Hein, *Portable Traffic Control System with Television...*, (US 3,729,706)

L.J. Carey et al. *Selective Speed Signs Actuated By...*, (US 3,544,958)

Young, *Traffic Speed Radar Unit*, (US 5,159,345)

Al-Ahmed, *Traffic Speed Surveillance and Control System*, (US 6,384,740)

Response to Arguments

7. In the remarks filed on 5/9/2006, applicant presents the following arguments.

1) With regards to claims 1-7 and 10-16, applicant argues that using the colors green and red are patentable over the colors amber and red because the colors and green and red have been in traffic systems for a long time and the use of amber signify to the driver caution rather than "go ahead".

2) With regards to claims 8 and 17, applicant argues that the reference Durinzi does not teach nor suggest illuminating a illuminating a speed monitoring display with light

that illuminates the support in the casing and that there is no suggestion of motivation since the invention of Durinzi is advertising kiosk.

3) With regards to claims 9 and 18, applicant argues that Hoffman includes an external clock and not a clock that has no memory to store the time and that it would have been obvious to combine Martell with Hoffman because Martell is a remote recording system.

8. RESPONSE

1) In the response to arguments regarding claims 1-7 and 10-16, Examiner used the reference of Martell to clearly show the applicant that limitations pertaining to claim 1 has been taught in prior art. The only difference is the color. Changing the color scheme of the violation alert speed display does not change the scope of the invention and as long as the system performs is desired functionality, having the color scheme green and red does not constitute an inventive concept but an obvious design choice. Therefore, arguments are not persuasive.

2) In response to arguments regarding claims 8 and 17, Examiner used the reference Durinzi to show to applicant that a color support whether or not, it is being applicable to a road side display or a advertising kiosk has been taught and demonstrated before. Therefore, arguments are not persuasive.

3) In response to arguments regarding claims 9 and 18, applicant claimed a memory for storing time, number of vehicle speed sensed, number of vehicle overspeeds sensed and average vehicle speed. As interpreted and rejected to claims 9 and 18 stated above, Hoffman demonstrates a logic circuits (60) that includes violation counter (62) and a traffic counter (64). The violation counter (62) counts the total number of vehicles exceeding any predetermined speed limit in one direction. The traffic counter (64) counts the total traffic in one direction. Martell was used to demonstrate measuring the average speeds of the vehicles. Although Hoffman teaches an upper sign panel (44) provided with a clock (46) mounted on the system to indicate the time, one of ordinary skill in the art would readily recognize that to program the time into the logic circuits (60) taught by Hoffman, since the logic circuits can hold information or data. Therefore, arguments are not persuasive.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

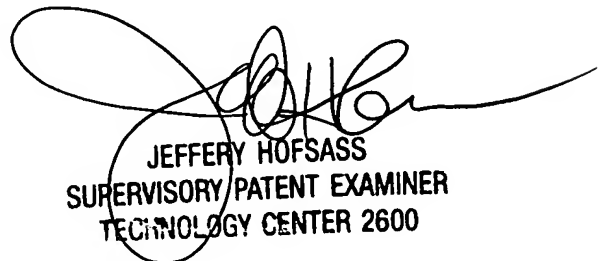
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees
6/15/2006



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